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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

**[PROPOSED] STIPULATED ORDER
CONFIRMING UNDISPUTED
ATTORNEYS' FEES AND COSTS
FOR THE SECOND QUARTER OF
2020**

Judge: Hon. Claudia Wilken

Case No. C94 2307 CW

**[PROPOSED] STIPULATED ORDER CONFIRMING UNDISPUTED ATTORNEYS' FEES AND COSTS FOR THE
SECOND QUARTER 2020**

1
2 On March 26, 1997, the District Court established procedures by which Plaintiffs
3 are to collect periodic attorneys' fees and costs in this case in connection with their work
4 monitoring Defendants' compliance with the Court's Orders and collecting fees.

5 Pursuant to these procedures, on July 30, 2020, Plaintiffs served on Defendants
6 their Second Quarterly Statement for 2020 by electronic transmission. The parties
7 completed their meet-and-confer process on September 10, 2020 as to the fees and costs
8 incurred on all matters.

9 As a result of the September 10, 2020 agreement, the parties agree to the following:

10 The parties agree to the payment of \$2,227,769.01 to resolve all fees and costs
11 incurred during the Second Quarter of 2020, for monitoring and/or litigation activities in
12 the California Department of Corrections of Rehabilitation Division of Adult Operations
13 and Adult Programs (CDCR AOAP) portion of the case. Attached hereto as **Exhibit A** are
14 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
15 the parties to settle these claims.

16 The parties agree to the payment of \$68,712.64 to resolve all fees and costs incurred
17 during the Second Quarter of 2020, for monitoring and/or litigation activities in the Board
18 of Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are charts
19 setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the
20 parties to settle these claims.

21 The parties agree to the payment of \$233,630.79 to resolve all fees and costs
22 incurred during the Second Quarter of 2020, for monitoring and/or litigation activities in
23 the Division of Adult Parole Operations (DAPO) portion of the case. Attached hereto as
24 **Exhibit C** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts
25 agreed to by the parties to settle these claims.

26 The parties agree to the payment of \$21,963.72 to resolve all fees and costs incurred
27 during the Second Quarter of 2020, for fees work. Attached hereto as **Exhibit D** are charts
28 setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the

1 parties to settle these claims.

2 IT IS HEREBY ORDERED that the amounts set forth above are due and
3 collectable as of forty-five days from the date of entry of this Order. Interest on these fees
4 and costs will run from August 31, 2020, accruing at the rate provided by 28 U.S.C.
5 § 1961.

6
7 DATED: _____

Claudia Wilken
United States District Judge

8
9
10 APPROVED AS TO FORM:

11
12 DATED: September 16, 2020

/s/Joanna B. Hood
Joanna B. Hood
Deputy Attorney General
Attorney for Defendants

13
14
15
16 DATED: September 16, 2020

/s/Gay Crosthwait Grunfeld
Gay Crosthwait Grunfeld
Rosen Bien Galvan & Grunfeld LLP
Attorney for Plaintiffs

EXHIBIT A

Armstrong v. Newsom
Second Quarterly Statement of 2020
April 1, 2020 through June 30, 2020

CDCR/AOAP SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
CDCR/AOAP MONITORING	\$2,147,088.83	\$80,680.18
	TOTAL UNDISPUTED:	\$2,227,769.01

Armstrong v. Newsom

Second Quarterly Statement of 2020

April 1, 2020 through June 30, 2020

Matter: CDCR/AOAP Monitoring/Merits

<u>Monitoring (581-3)</u>	<u>Actual Hours</u>	<u>Claimed Hours</u>	<u>2020 Rates</u>	<u>Total</u>	<u>Fees Now Owing Based On Negotiated Compromise</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	46.50	45.30	\$1,100	\$49,830.00	\$47,338.50
Gay C. Grunfeld (GCG)	180.70	180.00	\$875	\$157,500.00	\$149,625.00
Ernest Galvan (EG)	8.7	8.7	\$825	\$7,177.50	\$6,818.63
Penny Godbold (PG)	360.90	359.30	\$715	\$256,899.50	\$244,054.53
Thomas Nolan (TN)	270.00	268.00	\$740	\$198,320.00	\$188,404.00
Michael L. Freedman (MLF)	392.90	383.40	\$635	\$243,459.00	\$231,286.05
Ben Bien-Kahn (BBK)	203.20	182.50	\$625	\$114,062.50	\$108,359.38
Jenny Yelin (JY)	31.30	30.10	\$565	\$17,006.50	\$16,156.18
Caroline E. Jackson (CEJ)	206.50	197.60	\$540	\$106,704.00	\$101,368.80
Michael S. Nunez (MSN)	49.50	27.50	\$540	\$14,850.00	\$14,107.50
Jessica Winter (JW)	15.70	11.30	\$480	\$5,424.00	\$5,152.80
Amy Xu (AX)	0.50	0.00	\$460	\$0.00	\$0.00
Rekha Arulanantham (REA)	190.00	151.80	\$395	\$59,961.00	\$56,962.95
Karen Stilber (KES)	222.70	217.90	\$350	\$76,265.00	\$72,451.75
Linda Woo (LHW)	37.10	0.00	\$350	\$0.00	\$0.00
F. Gail LaPurja (FGL)	22.50	0.00	\$320	\$0.00	\$0.00
Greg Gonzalez (GZG)	17.40	0.00	\$320	\$0.00	\$0.00
Dylan Verner-Crist (DVC)	16.60	10.10	\$250	\$2,525.00	\$2,398.75
Marcus V. Levy (MVL)	1.40	0.00	\$250	\$0.00	\$0.00
Emma Cook (EC)	35.50	34.30	\$250	\$8,575.00	\$8,146.25
Nathalie Welch (NW)	27.70	0.00	\$250	\$0.00	\$0.00
Jack Gleiberman (JG)	461.40	459.50	\$250	\$114,875.00	\$109,131.25
Ellinor Heywood (EH)	385.00	377.90	\$250	\$94,475.00	\$89,751.25
Heather Gans (HG)	260.80	255.20	\$225	\$57,420.00	\$54,549.00
Catherine Johnson (CJ)	48.70	45.90	\$225	\$10,327.50	\$9,811.13
Rebecca Berman (RB)	18.90	12.40	\$225	\$2,790.00	\$2,650.50
Rwehyang Kim (RK)	41.40	31.40	\$225	\$7,065.00	\$6,711.75
Ericka Zheng (EZ)	23.30	22.00	\$225	\$4,950.00	\$4,702.50
Total Hours:	3,576.80	3,312.10			
RBGG FEES:				\$1,610,461.50	\$1,529,938.43
<u>PRISON LAW OFFICE</u>					
Donald Specter (DS)	13.10	13.10	\$995	\$13,034.50	\$12,382.78
Sara Norman (SN)	6.80	6.80	\$820	\$5,576.00	\$5,297.20
Corene Kendrick (CK)	63.50	63.50	\$730	\$46,355.00	\$44,037.25
Rita Lomio (RL)	252.00	252.00	\$650	\$163,800.00	\$155,610.00
Margot Mendelson (MM)	143.80	143.80	\$625	\$89,875.00	\$85,381.25
Patrick Booth (PB)	122.40	122.40	\$380	\$46,512.00	\$44,186.40
Amber Norris (AN)	150.30	150.30	\$350	\$52,605.00	\$49,974.75
Megan Lynch (ML)	202.50	202.50	\$350	\$70,875.00	\$67,331.25
Tania Amarillas (TA)	140.80	140.80	\$325	\$45,760.00	\$43,472.00
Alayna O'Bryan	70.40	70.40	\$275	\$19,360.00	\$18,392.00
Skye Lovett (SL)	162.70	162.70	\$275	\$44,742.50	\$42,505.38
Gabriela Pelsinger (GP)	63.60	63.60	\$275	\$17,490.00	\$16,615.50
Ilian Meza Pena (IP)	29.40	29.40	\$275	\$8,085.00	\$7,680.75
Juliette Mueller (JM)	53.10	53.10	\$275	\$14,602.50	\$13,872.38
Michael Brodheim (MB)	35.20	35.20	\$275	\$9,680.00	\$9,196.00
Total Hours:	1,509.60	1,509.60			
PLO FEES:				\$648,352.50	\$615,934.88
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>					
Linda Kilb (LK)	1.10	1.10	\$885	\$973.50	\$924.83
Case Clerk	1.70	1.70	\$180	\$306.00	\$290.70
Total Hours:	2.80	2.80			
DREDF FEES:				\$1,279.50	\$1,215.53
TOTAL CDCR/AOAP MONITORING FEES:				\$2,260,093.50	\$2,147,088.83

Armstrong v. Newsom

Second Quarterly Statement of 2020

April 1, 2020 through June 30, 2020

Costs***Matter: CDCR/AOAP Merits/Monitoring*****Rosen, Bien, Galvan & Grunfeld (581-3)**

	<u>Costs</u>	Costs Now Owing Based on <u>Negotiated Compromise</u>
Photocopying (In house)	\$3,001.20	\$2,851.14
Photocopying/printing (Outside)	\$5,127.72	\$4,871.33
Discovery service Relativity hosting (RJD production database - April - June)	\$5,072.75	\$4,819.11
Professional services - expert witness fees	\$51,075.00	\$48,521.25
Transcription and translation (including Language Line and deposition of Amy Miller)	\$3,658.83	\$3,475.89
Online Research - PACER, Westlaw	\$2,696.19	\$2,561.38
Process server (subpoenas)	\$154.70	\$146.97
Postage & Delivery	\$1,059.97	\$1,006.97
Telephone	\$8.80	\$8.36
Total RBGG Costs:	\$71,855.16	\$68,262.40

Prison Law Office

Interpreting/Translation services	\$11,177.50	\$10,618.63
Postage & Delivery	\$1,766.60	\$1,678.27
Total PLO Costs:	\$12,944.10	\$12,296.90

Disability Rights Education & Defense Fund, Inc.

Photocopying (in-house)	\$96.00	\$91.20
Postage & Delivery	\$31.25	\$29.69
Total DREDF Costs:	\$127.25	\$120.89

TOTAL CLAIMED CDCR/AOAP MERITS/MONITORING COSTS:	\$84,926.51	\$80,680.18
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EXHIBIT B

Armstrong v. Newsom
Second Quarterly Statement of 2020
April 1, 2020 through June 30, 2020

BPH SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
BPH	\$68,697.35	\$15.29
	TOTAL UNDISPUTED:	\$68,712.64

Armstrong v. Newsom

Second Quarterly Statement of 2020

April 1, 2020 through June 30, 2020

Matter: BPH

<u>BPH (581-4)</u>	<u>Actual Hours</u>	<u>Claimed Hours</u>	<u>2020 Rates</u>	<u>Total</u>	<u>Fees Now Owing Based On Negotiated Compromise</u>
<u>BPH MONITORING (581-4)</u>					
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	0.30	0.30	\$1,100	\$330.00	\$313.50
Gay C. Grunfeld (GCG)	1.9	1.9	\$875	\$1,662.50	\$1,579.38
Thomas Nolan (TN)	57.70	57.00	\$740	\$42,180.00	\$40,071.00
Penny Godbold (PG)	0.10	0.00	\$715	\$0.00	\$0.00
Caroline E. Jackson (CEJ)	1.90	1.90	\$540	\$1,026.00	\$974.70
Benjamin Bien-Kahn (BBK)	0.70	0.00	\$625	\$0.00	\$0.00
Karen Stilber (KES)	0.30	0.00	\$350	\$0.00	\$0.00
Dylan Verner-Crist (DVC)	1.50	0.00	\$250	\$0.00	\$0.00
Heather Gans (HG)	4.40	4.40	\$225	\$990.00	\$940.50
Total Hours:	68.80	65.50			
RBGG CLAIMED FEES:				\$46,188.50	\$43,879.08
<u>PRISON LAW OFFICE</u>					
Sara Norman (SN)	6.60	6.60	\$820	\$5,412.00	\$5,141.40
Rita Lomio (RL)	8.50	8.50	\$650	\$5,525.00	\$5,248.75
Rana Anabtawi (RA)	24.30	24.30	\$625	\$15,187.50	\$14,428.13
Total Hours:	39.40	39.40			
PLO CLAIMED FEES:				\$26,124.50	\$24,818.28
TOTAL CLAIMED FEES FOR BPH WORK:				\$72,313.00	\$68,697.35

Armstrong v. Newsom

Second Quarterly Statement of 2020

April 1, 2020 through June 30, 2020

Costs

Matter: BPH

Rosen, Bien, Galvan & Grunfeld (581-4)

Photocopying (In house)

Postage and delivery

Total RBGG Costs:

TOTAL CLAIMED BPH COSTS:

Costs Now Owing Based on	
<u>Costs</u>	<u>Negotiated Compromise</u>
\$3.60	\$3.42
\$12.49	\$11.87
\$16.09	\$15.29
\$16.09	\$15.29

EXHIBIT C

Armstrong v. Newsom
Second Quarterly Statement of 2020
April 1, 2020 through June 30, 2020

DAPO SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COST</u>
DAPO MONITORING	\$232,781.83	\$848.97
	TOTAL UNDISPUTED:	\$233,630.79

Armstrong v. Newsom

Second Quarterly Statement of 2020

April 1, 2020 through June 30, 2020

Matter: DAPO Monitoring

<u>DAPO Monitoring (581-9)</u>	<u>Actual Hours</u>	<u>Claimed Hours</u>	<u>2020 Rates</u>	<u>Total</u>	<u>Fees Now Owing Based On Negotiated Compromise</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	11.10	10.80	\$1,100	\$11,880.00	\$11,286.00
Gay C. Grunfeld (GCG)	52.50	52.50	\$875	\$45,937.50	\$43,640.63
Ernest Galvan (EG)	4.60	4.60	\$825	\$3,795.00	\$3,605.25
Penny Godbold (PG)	10.70	9.50	\$715	\$6,792.50	\$6,452.88
Thomas Nolan (TN)	48.50	47.40	\$740	\$35,076.00	\$33,322.20
Michael L. Freedman (MLF)	11.10	10.70	\$635	\$6,794.50	\$6,454.78
Benjamin Bien-Kahn (BBK)	26.30	22.60	\$625	\$14,125.00	\$13,418.75
Jenny S. Yelin (JSY)	59.00	57.10	\$565	\$32,261.50	\$30,648.43
Caroline E. Jackson (CEJ)	22.50	21.20	\$540	\$11,448.00	\$10,875.60
Marc Shinn-Krantz (MSK)	0.70	0.00	\$440	\$0.00	\$0.00
Rekha Arulanantham (REA)	61.80	31.30	\$395	\$12,363.50	\$11,745.33
Karen Stilber (KES)	24.20	24.10	\$350	\$8,435.00	\$8,013.25
Gregorio Gonzalez (GZG)	1.40	0.00	\$320	\$0.00	\$0.00
Nathalie Welch (NCW)	241.90	224.50	\$250	\$56,125.00	\$53,318.75
Heather Gans (HG)	4.30	0.00	\$225	\$0.00	\$0.00
Rwehyang Kim (RK)	1.50	0.00	\$225	\$0.00	\$0.00
Total Hours:	582.10	516.30			
RBGG FEES:				\$245,033.50	\$232,781.83
TOTAL FEES FOR DAPO MONITORING WORK:				\$245,033.50	\$232,781.83

Armstrong v. Newsom

Second Quarterly Statement of 2020

April 1, 2020 through June 30, 2020

Costs***Matter: DAPO Monitoring*****Rosen, Bien, Galvan & Grunfeld (581-9)**

	<u>Costs</u>	Costs Now Owing Based on <u>Negotiated Compromise</u>
Photocopying (in-house)	\$182.60	\$173.47
Westlaw	\$510.05	\$484.55
Postage	\$195.65	\$185.87
Long distance and videophone charges	\$5.35	\$5.08
Total RBGG Costs:	\$893.65	\$848.97
TOTAL CLAIMED DAPO MONITORING COSTS:	\$893.65	\$848.97

EXHIBIT D

Armstrong v. Newsom
Second Quarterly Statement of 2020
April 1, 2020 through June 30, 2020

SUMMARY OF UNDISPUTED FEES WORK AND COSTS

	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
FEES WORK (ALL MATTERS)	\$21,943.10	\$20.62
TOTAL UNDISPUTED:		\$21,963.72

Armstrong v. Newsom

Second Quarterly Statement of 2020

April 1, 2020 through June 30, 2020

Matter: All Matters Fees Work

<u>Fees (581-2)</u>	<u>Actual Hours</u>	<u>Claimed Hours</u>	<u>2020 Rates</u>	<u>Total</u>	<u>Fees Now Owing Based On Negotiated Compromise</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Gay C. Grunfeld (GCG)	13.90	13.90	\$875	\$12,162.50	\$11,554.38
Karen E. Stilber (KES)	20.30	19.30	\$350	\$6,755.00	\$6,417.25
Fely F. Villadelgado (FFV)	0.20	0.00	\$275	\$0.00	\$0.00
Total Hours:	34.40	33.20			
RBGG CLAIMED FEES:				\$18,917.50	\$17,971.63
<u>PRISON LAW OFFICE</u>					
Rita Lomio	3.00	3.00	\$650	\$1,950.00	\$1,852.50
Ashley Kirby (AK)	4.80	4.80	\$225	\$1,080.00	\$1,026.00
Total Hours:	7.80	7.80			
PLO FEES:				\$3,030.00	\$2,878.50
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>					
Linda Kilb (LDK)	1.30	1.30	\$885	\$1,150.50	\$1,092.98
Total Hours:	1.30	1.30			
DREDF FEES:				\$1,150.50	\$1,092.98
TOTAL FEES FOR ARMSTRONG FEES WORK:				\$23,098.00	\$21,943.10

Armstrong v. Newsom

Second Quarterly Statement of 2020

April 1, 2020 through June 30, 2020

Costs***Matter: Fees Work in All Matters*****Rosen, Bien, Galvan & Grunfeld (581-2)**

Photocopying and Printing (in-house)

Postage & Delivery

Total RBGG Costs:**Costs**

\$8.40

\$12.50

\$20.90

Costs Now Owing Based on

Negotiated Compromise

\$7.98

\$11.88

\$19.86**Disability Rights Education & Defense Fund, Inc.**

Photocopying (in-house)

Total DREDF Costs:

\$0.80

\$0.80

\$0.76

\$0.76

TOTAL CLAIMED FEES WORK COSTS :**\$21.70****\$20.62**